



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/556,442

12/11/2006

Ken Rasmussen

39036

9075

116 7590 06/10/2009
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

SMITH, ERIN W

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,442	Applicant(s) RASMUSSEN, KEN	
	Examiner ERIN SMITH	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/14/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement has been reviewed by the examiner

Drawings

The drawings have been approved by the examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al (3, 714, 619).**

3. **Considering claim 1**, Morgan et al teaches “at least one hole in the bracket and a washer fitted between the head of the fastening device and the bracket [Figure 4], characterized in that the hole (7) in the bracket (1) is circular [The shape of Morgan et al is capable of being circular.], that the washer has a circular, plateau-shaped part (9) in a first plane [Morgan et al does not explicitly teach a plateau on the washer; however, it is old and well known in the art that washers have this kind of raised structure], with a diameter equal to the diameter of the hole (7) [The washer in Morgan et al is capable of being equal diameter of the hole and likewise, if the washer of Morgan et al had a "plateau" it would be capable of being placed in the hole. Figure 4] and fitted rotatably in the hole (7), and a surrounding ring-shaped part (5) with a larger diameter in a

Art Unit: 3632

second plane resting on the bracket (1), and in that the washer is provided with an oblong hole (3) in the circular plateau part. [Morgan et al does not explicitly teach a washer with an oblong hole. However, it would been obvious to one skilled in the art to have a washer with an oblong hole because it is a matter of design choice and the applicant has not persuasively demonstrated the utility of an oblong hole verses a circular hole.]

4. **Considering claim 2**, Morgan et al is capable of having “the oblong hole (3) has a length that is equal to the diameter of the circular part (9).” [Figure 4]

5. **Considering claim 6**, Morgan et al is teaches “at least two fastening devices ... circular parts (9;10) of the washers are placed in the holes (7;8) of the mounting bracket, that a fastening device is fitted through the oblong hole (3;4) [The washers are capable of having oblong holes] ..., that the ring-shaped parts (5;6) are rotated with respect to both fastening devices during alignment of the bracket (1) to its desired position, until the oblong holes (3; 4) permit free passage of the shanks of the fastening devices, whereupon the fastening devices are tightened in order to maintain the aligned position of the bracket (1).” [Figure 4]

6. **Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al (3, 714, 619) in view of Fukuchi (4, 270, 720).**

7. **Considering claim 3**, Morgan et al fails to teach “a bracket according to claim 1, characterized in that the ring-shaped part (5) has a serrated edge (11).” Fukuchi teaches ring-shaped part having a serrated edge [Figure 7, element 42]. It would have been obvious to one skilled in the art to combine the teaching of Morgan et al with Fukuchi for the purpose of having added a gear element to the bracket.

8. **Considering claim 4**, Morgan et al fails to teach “the circular part (9) has projecting parts (p’) on that side of the element that is opposite the ring-shaped part (5), for holding the washer (5,9) in the hole.” Fukuchi teaches a circular part that has a projecting part...opposite the ring-shaped part and is capable of holding a washer [Figure 7].

9. **Considering claim 5**, Morgan et al fails to teach " a click-adjustment (11,p) of the angle of rotation of the washer.” Fukuchi is capable of having a click-adjustment with angular rotation of the washer [Figure 7]. It would have been obvious to one skilled in the art the combine the teaching of Morgan et al with Fukuchi for the purpose of having a way to indicate the position or tightness of the washer on the bracket.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martin (5, 027, 494), Zimmerman (5, 695, 147), Kesselman et al (4, 949, 929), Ford (3, 247, 893), Mertens (5, 285, 764), Johnson (US 2007/0194188 A1), and Davie (1, 006, 183) all disclose aspects of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN SMITH whose telephone number is (571)270-7023. The examiner can normally be reached on Monday to Thursday 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, J. Allen Shriver can be reached on (571)-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIN W. SMITH/
Examiner, Art Unit 3632

/J. ALLEN SHRIVER II/
Supervisory Patent Examiner, Art Unit 3632